

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**\$3,045,783.91, COMPRISED OF:, et al.,**

**Defendants.**

Civ. No. 2:16-01294 (WJM)

**ORDER**

**THIS MATTER** comes before the Court on the Government's ("Plaintiff's") motion for reconsideration of this Court's July 1, 2016 Order denying Plaintiff's motion for default judgment against \$3,045,783.91 of United States currency, comprised of various amounts of money from several bank accounts held in the name of RA's Merchandise, LLC and belonging to Arlene and James Platterborze ("the Currency"). For the reasons stated below, Plaintiff's motion is **GRANTED**.

A motion for reconsideration may be granted only if: (1) there has been an intervening change in the controlling law; (2) new evidence has become available since the Court decided the subject motion; or (3) it is necessary to correct a clear error of law or fact or to prevent manifest injustice. *U.S. ex rel. Schumann v. Astrazeneca Pharm. L.P.*, 769 F.3d 837, 848–49 (3d Cir. 2014) (internal citations omitted).

Here, reconsideration is warranted because new evidence has become available since the Court entered its July 2016 Order: the Claimant, Arlene Platterborze has filed a signed declaration with this Court, dated August 1, 2016, confirming that she and her

husband waive any interest they may have in the Currency. ECF doc. 11-1. Arlene Platterborze's counsel further states that her client does not object to the entry of default judgment. ECF doc. 11. Because the Court can now "ensure that there [is] a basis for the damages specified in the default judgment," *United States v. \$24,700 in U.S. Currency*, 2015 WL 4647978 at \*2 (D.N.J. Aug. 5, 2015) (citing *Transatlantic Marine Claims Agency, Inc. v. Ace Shipping Corp.*, 109 F.3d 105, 111 (2d Cir. 1997)), and that civil forfeiture is warranted, default judgment is proper. *See, e.g., United States v. \$156,000,000 in United States Currency Belonging To Credit Agricole Corp. & Inv. Bank*, No. 15-cv-1732, 2016 WL 659670, at \*1 (D.D.C. Feb. 18, 2016) (finding default judgment appropriate where potential claimant expressly agreed not to contest the civil forfeiture action).

Consequently,

**IT IS** on this 15th day of August 2016, hereby,

**ORDERED** that Plaintiff's motion for reconsideration is **GRANTED**. Default judgment will be entered against the Currency in a separate judgment.

/s/ William J. Martini  
**WILLIAM J. MARTINI, U.S.D.J.**